

Remarks

SUMMARY

Reconsideration of the application is respectfully requested. All pending claims 21 – 25, 28 – 30, 34 – 37 and 41 – 48 have been rejected. Claims 21 – 25, 28 – 30, 34 – 37, and 41 – 48 have been amended to address a number of informalities. No new matter is added. Entry of the amendments is respectfully requested.

CLAIM OBJECTIONS

In the subject office action, the Examiner objected to claims 44 and 46 for various informalities. Applicants note that claim 44 erroneously depended upon claim 24, therefore Applicants have amended claim 44 to correctly depend from claim 21. Applicants have also amended claim 46 to correct the antecedent basis issues. Applicants respectfully request the withdrawal of the objections of claims 44 and 46.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112

Claims 21 - 25, 28 - 30, 34 – 37 and 41 - 48 were rejected under 35 U.S.C. § 112 for failing to comply with the written description requirement. The Examiner stated that he could not find support in paragraph [0049] for new limitations in claims 21 and 34. However, in item 6 of the office action, the Examiner found support in [0049] for support of the service module selecting “one or more channels,” but not for the service module “selecting not all the received channels.” By way of example of such support, Applicants respectfully direct the Examiner to paragraphs [0048], [0049], and [0050] as well as Figure 4. Note that, in the embodiment discussed in paragraph [0050], service module 40 is configured

to receive an encrypted signal including “a plurality of channels modulated thereon” from headend system 11. Paragraph [0050] also provides that service module 40 then distributes particular channels to authorized service requesting users at user sites 15 via CIB 14. From at least paragraphs [0048] – [0050], and in conjunction with the description of Figure 4, it can be seen that, in at least one embodiment, service module 40 distributes channels to individual user circuits and then CIB 14 at user sites according to the requested channel. Thus, the service module “select[s] one or more, but not all, of the selected ones of the signals” to be provided to an interface unit at a customer location. Accordingly, for at least the foregoing reasons, Applicants respectfully request that the rejections of claims 21 -25, 28 - 30, 34 – 37 and 41 – 48 under 35 U.S.C. § 112 be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Claims 21, 22, and 34 stand rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,188,871 issued to Kitamura et al. (“Kitamura”). Applicants respectfully traverse the rejections.

A claim is anticipated only if each and every element, as set forth in the claim, is found in a single prior-art reference. MPEP §2131; *Verdegaal Bros. v. Union Oil of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the claim.” MPEP § 2131 (citing *Richardson v. Suzuki Motor Col*, 868.F.2d 1226 (Fed.Cir. 1989)).

Amended claim 21 now recites in pertinent part, one or more receiver/decoders within a service module configured “to provide the video channels to a multiplexer in an interface unit located at a customer location.” Applicants respectfully submit that Kitamura

fails to teach or disclose at least a service module to provide video channels to a multiplexer in an interface unit.

There is no need for a multiplexer in the “interface unit” of Kitamura because Kitamura teaches a direct connection between the switching means and the subscriber as opposed to an interface. For example, Kitamura teaches a “switching means [that] converts the taken-out video and audio signals with RF (radio-frequency) of a predetermined vacant channel, makes connection to lines of the requesting subscribers and transmits the modulated video and audio signals to the subscribers.” (Kitamura column 2, lines 43 – 47). In fact, one of the objects of Kitamura is to provide a system that allows each subscriber to exchange necessary information by using a simple receiver (e.g., a TV set, telephone set) without recognizing a network. (Kitamura, column, 2, lines 48 – 59). Thus, in Kitamura, there is certainly no need for the “interface unit” to include a multiplexer for receiving signals.

Consequently, Kitamura fails to disclose each and every element of amended claim 21, as required under MPEP § 2131. Amended claim 34 contains in substance similar elements as claim 21. In addition, claim 22 depends from claim 21. Thus, for at least the same reasons discussed above, claims 22 and 34 are also patentable over Kitamura under 35 USC § 102. Accordingly, Applicants request that the instant §102 rejection of claims 21, 22, and 34 withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 21, 22, 24, 25, 28 – 30, 34, 35, 36, and 41 – 48 stand rejected under 35 U.S.C. § 103 (a) over various combinations of Kitamura, US Patent No. 5,905,942 Stool, US Publication No. 2005/0114906 to Hoarty, US Patent No. 5,483,277 to Granger. In particular,

claims 21, 22, 24, 28, 28 – 30, 34, 35, and 41 – 43 were rejected over Stoel in view of Kitamura. Claims 25, 36, 44 – 47 were rejected over Stoel in view of Kitamura and Hoarty. Finally, claim 48 was rejected over Stoel, Kitamura, and Granger. Applicants respectfully traverse the rejections.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03.

Amended claim 21 now recites in pertinent part, one or more receiver/decoders within a service module configured “to provide the video channels to a multiplexer in an interface unit located at a customer location.” For at least the reasons discussed above, Kitamura fails to teach or suggest a service module to provide video channels to a multiplexer in an interface unit located at a customer location. Furthermore, neither Stoel, Hoarty, nor Granger disclose, teach, or fairly suggest this element.

Consequently, the cited prior art fails to teach or suggest all elements of claim 21, as required under M.P.E.P. § 2143.03. Independent claim 34 includes similar nonobvious elements as independent claim 21. Accordingly, Applicants request that the instant §103(a) rejections of claim 21 be withdrawn. In addition, claims 21 – 25, 28 – 30, 34 – 37, and 41 – 48 depend from one of claims 21 or 34. Thus, for at least the same reasons discussed above, claims 21 – 25, 28 – 30, 34 – 37, and 41 – 48 are also patentable over the combination under 35 USC § 103(a).

CONCLUSION

All pending claims are in a condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1542. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
Schwabe, Williamson & Wyatt, P.C.

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by: /Linda S. Zachariah/
Linda S. Zachariah
Reg. No.: 48,057

Schwabe, Williamson & Wyatt, P.C.
1420 5th Avenue Suite 3010
Seattle, WA. 98101
Telephone: 206-622-1711